

TITLE LXIV PLANNING AND ZONING

CHAPTER 676 ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Penalties and Remedies

Section 676:18

676:18 Register of Deeds. –

I. A register of deeds who files or records a plat of a subdivision without the approval of a planning board shall be guilty of a misdemeanor.

II. Notwithstanding the provisions of paragraph I, the register of deeds shall accept for recording a plat prepared and certified by a licensed land surveyor or by a former registered land surveyor if such plat bears a certificate by a licensed or registered land surveyor that this survey plat is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown. The recording of any such plat shall not relieve any owner from compliance with the provisions of this chapter.

II-a. Notwithstanding the provisions of paragraph I or II, the register of deeds may accept for recording a plat without the licensed land surveyor's seal if such plat was in existence on December 31, 1969, or if the plat has been incorporated into deeds or other instruments recorded before town zoning ordinances or planning board subdivision regulations, or both, became effective in that particular town.

III. The certificate by a licensed land surveyor shall be in the following form:
"I certify that this survey plat is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown."

Date: _____

Licensed Land Surveyor
SEAL

IV. Prior to recording any plat in the registry of deeds, the surveyor shall file, for information purposes only, a copy of the survey with the town planning board.

V. All decisions of the district, superior, and supreme courts, which affect property boundaries, shall be recorded by the register of deeds in the registry of deeds for the county in which the site is situated, and, upon recordation, such decision shall run with the land. Subsequent to any probate court decision creating divisions of land, a survey plat shall be

prepared by a licensed land surveyor, which, if approved by the probate court, shall be recorded, along with the court's decision, at the registry of deeds without local planning board approval. The recording of such decision or plat, however, shall not be deemed to authorize any transfer or development of the property in violation of any applicable local land use regulations adopted pursuant to this title.

Source. 1983, 447:1. 1985, 103:26. 1988, 233:2. 1989, 120:1, 2. 1990, 64:1, 2. 1995, 303:4, 5, eff. Jan. 1, 1996.